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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR COUNTY OF KING

ROBYN MAY, an individual, and ROBYN  
MAY, as mother and guardian of J.M., a  
minor,

No. 20-2-13639-5 KNT

**AMENDED COMPLAINT**

Plaintiff,

vs.

SAFEWAY, INC., a Delaware Corporation  
doing business in and throughout the State of  
Washington.

Defendant.

COMES NOW Robyn May, an individual and Robyn May, as mother and guardian of  
J.M., a minor, by and through her attorneys at Khan Law Firm PLLC, and brings this Complaint  
against the named Defendant, Safeway, Inc., and alleges as follows:

**I. PARTIES**

1.1 At all times relevant hereto, Plaintiff Robyn May and J.M. were residents of  
Burien, King County, Washington.

1.2 At all times relevant hereto, Defendant Safeway, Inc. was and is a Delaware Corporation doing business in and throughout the state of Washington, including King County.

## **II. JURISDICTION AND VENUE**

2.1 Plaintiff re-alleges and incorporates by reference all preceding paragraphs as if fully restated herein.

2.2 The incident giving rise to the subject of this complaint, occurred on or about April 27, 2019, in Burien, King County, Washington.

2.3 This court has jurisdiction over the parties and the subject matter of this action.

2.4      Venue in this matter is proper for this court, as all the causes of action have occurred in King County, Washington.

### III. FACTS

3.1 Plaintiff re-alleges and incorporates by reference all preceding paragraphs as if fully restated herein.

3.2 On or about April 27, 2019, J.M. was a business invitee, shopping at Safeway Store #1664 with his mother, Robyn May. He was walking down an aisle when he slipped on a liquid substance on the floor. J.M. fell because the floor was wet, unkept, and slippery. Defendant failed to take adequate steps to discover and ameliorate dangerous and unsafe conditions. Further, Defendant failed to take adequate steps to warn of a dangerous and unsafe condition.

3.3 As a result of Defendant's negligent act of failing to properly maintain a food handling case and to make sure the floor was properly maintained and properly warn of such a hazard, J.M. sustained injuries.

1       3.4     As a direct result of defendant's negligent act, J.M. incurred significant medical  
2 treatments and medical expenses in an amount to be proven at trial.

3       3.5     On or about April 27, 209, Defendant's negligence was the proximate cause of  
4 the incident which is the subject of this complaint.

5       3.6     As a result of the defendant's negligence, J.M. suffered and continues to suffer  
6 bodily injuries, physical disability and pain, emotional trauma, medical expenses, loss of  
7 earnings and earning capacity, and other damages as a result of the incident.  
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9       3.7     As a result of the defendant's negligence, plaintiff Robyn May has suffered and  
10 continues to suffer a loss of consortium and wage loss.

11                  **IV. FIRST CAUSE OF ACTION**

12       4.1     Plaintiff re-alleges and incorporates by reference all preceding paragraphs as if  
13 fully restated herein.

14       4.2     Defendant had a duty to maintain safe walking areas near the food holding case  
15 and throughout the store so that they are free from slick surfaces and hazardous conditions.  
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17       4.3     The defendant knew or should have known that the walking area near the food  
18 holding case was an area of high traffic giving rise to a duty on the part of defendant to keep  
19 the area safe and free of hazards.

20       4.4     Defendant was negligent in failing to maintain Safeway Store #1664 reasonably  
21 safe for its invitees, and specifically in negligently allowing liquid to spill and/or accumulate  
22 from or near the food handling case and failing to take action to clean the liquid and failing to  
23 warn customers of the danger posed by liquid on the floor where J.M. slipped and fell.  
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## V. DAMAGES

2       5.1 Plaintiff re-alleges and incorporates by reference all preceding paragraphs as if  
3 fully restated herein.

4        5.2     As a proximate result of the negligence of Defendant, J.M. suffered severe  
5 personal injuries in such amount as shall be proven at the time of trial.

5.3 As a result of the defendant's negligence, plaintiff Robyn May has suffered and  
continues to suffer a loss of consortium and wage loss.

## **VI. RELIEF SOUGHT**

WHEREFORE, Plaintiff respectfully requests the following relief:

11       1. For general damages for pain and suffering, mental distress, and emotional  
12 anxiety, past, present, and future incurred by J.M.;

13       2. For special damages including all medical expenses incurred by J.M. in  
14 treatment for injuries resulting from the collision accident as well as future medical expenses  
15 and other items of special damages;

17       3.     For damages for loss of consortium and loss of income to Plaintiff Robyn May  
18 and reduction in earning capacity, past, present, and future;

19       4.     For pre-judgment interest at the statutory rate on all items of special damages  
20 including, without limitation, expenses of medical care and treatment;

5. For an award of attorney's fees and costs incurred herein;

6. For such other and further relief as the Court may deem just and equitable.

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2 DATED this 28<sup>th</sup> day of January, 2021.  
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4 KHAN LAW FIRM PLLC  
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7 Deborah A. Purcell, WSBA #32215  
8 Attorney for Plaintiffs  
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